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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,355	10/14/2005	Michael Meyer	P17692US1 6161	
27045 ERICSSON IN	7590 01/11/2008 C .		EXAMINER	
6300 LEGACY DRIVE M/S EVR 1-C-11			TORRES, JOSEPH D	
PLANO, TX 7:	= =		ART UNIT	PAPER NUMBER
		·	2112	
				·
			MAIL DATE	DELIVERY MODE
•			01/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		T A	A (!)	$-m \downarrow$		
		Application No.	Applicant(s)	11/10		
Office Action Summary		10/535,355	MEYER ET AL.			
		Examiner	Art Unit			
		Joseph D. Torres	2112			
Period fo	The MAILING DATE of this communication app or Reply	pears on the cover sheet wit	th the correspondence addre	ess		
WHIC - Exte after - If NC - Failu Any	CHEVER IS LONGER, FROM THE MAILING DATE of time may be available under the provisions of 37 CFR 1.13 of SIX (6) MONTHS from the mailing date of this communication. Of period for reply is specified above, the maximum statutory period variet to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing led patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNIC 36(a). In no event, however, may a re will apply and will expire SIX (6) MON [*] , cause the application to become AB	CATION. Exply be timely filed ITHS from the mailing date of this comm ANDONED (35 U.S.C. § 133).			
Status				1		
1)⊠	Responsive to communication(s) filed on 14 O	ctober 2005.				
2a) This action is FINAL . 2b) This action is non-final.						
3)🖾	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D.	. 11, 453 O.G. 213.			
Disposit	ion of Claims					
4)⊠	Claim(s) 1-24 is/are pending in the application.					
	4a) Of the above claim(s) is/are withdraw	wn from consideration.				
5)🖂	Claim(s) 1-24 is/are allowed.					
6)[Claim(s) is/are rejected.					
	Claim(s) is/are objected to.					
8)□	Claim(s) are subject to restriction and/o	r election requirement				
Applicat	ion Papers					
9)🖾	The specification is objected to by the Examine	er.				
10)⊠	The drawing(s) filed on 18 May 2005 is/are: a)	⊠ accepted or b)⊡ objec	ted to by the Examiner.			
	Applicant may not request that any objection to the	drawing(s) be held in abeyan	ce. See 37 CFR 1.85(a).			
	Replacement drawing sheet(s) including the correct	tion is required if the drawing(s) is objected to. See 37 CFR	1.121(d).		
11)	The oath or declaration is objected to by the Ex	caminer. Note the attached	Office Action or form PTO	-152.		
Priority (under 35 U.S.C. § 119					
	Acknowledgment is made of a claim for foreign All b) Some * c) None of:	priority under 35 U.S.C. §	119(a)-(d) or (f).			
	1. Certified copies of the priority documents					
	2. Certified copies of the priority documents					
	3. Copies of the certified copies of the prior	•	received in this National St	age		
* (application from the International Bureau		ro anima d			
·	See the attached detailed Office action for a list	or the certified copies not i	eceived.			
Attachmen						
	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948)		ummary (PTO-413))/Mail Date			
3) 🔯 Infor	mation Disclosure Statement(s) (PTO/SB/08) er No(s)/Mail Date 05/18/2005.		formal Patent Application			

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DETAILED ACTION

Information Disclosure Statement

The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

The information disclosure statement filed 05/18/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all

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other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because of form and legal phraseology "said". Correction is required. See MPEP § 608.01(b).

Allowable Subject Matter

Claims 1-24 are allowed.

The following is an examiner's statement of reasons for allowance: The present invention pertains to a method and apparatus for adjusting a time-out period for waiting for an acknowledgment from a receiver.

Claim 1 recites various features:

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"controlling the flow of data sent by said data unit sender, such that at any given moment the amount of previously unsent data that the sender can send at once is limited by an available transmission capacity value, detecting a time-out monitoring procedure triggering event, utilizing a time-out monitoring procedure for monitoring whether a feedback message for a designated data unit arrives before a predetermined time-out period (S-RTO) has expired, said predetermined time-out period (S-RTO) starting at the occurrence of the time-out monitoring procedure triggering event, and for retransmitting the designated data unit if said predetermined time-out period (S-RTO) expires without said acknowledgment message having arrived, wherein said predetermined time-out period (S-RTO) is a first time-out period, and utilizing said timeout monitoring arranged to perform a retransmission of said designated data unit upon expiration of a second time-out period (Q-RTO) shorter than said first time-out period, if upon the expiration of said second time-out period (Q-RTO) said available transmission capacity value for unsent data is greater or equal to the size of said designated data unit".

The Prior Art of record teach various methods and apparatuses adjusting a timeout period for waiting for an acknowledgment from a receiver (see PTO-892), but none
teach the use of a shorter second time-out period (Q-RTO) than the standard
predetermined time-out period (S-RTO) if the available transmission capacity value for
unsent data is greater or equal to the size of said designated data unit and if not using
the standard predetermined time-out period (S-RTO). Note: available transmission
capacity value is defined as the difference between the send window size and the

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amount of data in outstanding data units whereby "outstanding" data units refers to data units that has been sent, but the data unit sender has not yet received a feedback message (line 29, page 2 to line 12, page 3 in the specification).

Note: claim 13 recites the same novel features as claim 1 and since all other claims depend from claims 1 and 13, claims 1-24 are allowed.

Hence the prior art are not concerned with and do not teach, suggest, or otherwise render obvious the methods and apparatuses for adjusting a time-out period for waiting for an acknowledgment from a receiver as in claims 1 and 13. Hence the prior art taken alone or in any combination fail to teach the claimed novel feature in claims 1 and 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

This application is in condition for allowance except for the following formal matters:

The information disclosure statement filed 05/18/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all

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other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The abstract of the disclosure is objected to because of form and legal phraseology "said".

Prosecution on the merits is closed in accordance with the practice under Exparte Quayle, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO**MONTHS from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Torres whose telephone number is (571) 272-3829. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JOSEPH D. WARES
PAINARY EXAMINER
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Joseph D. Torres, PhD Primary Examiner Art-Unit 2112